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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/940,117	08/28/2001	Vincent P. Robibero	132702-0114	3920

43935 7590 12/17/2007
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EXAMINER

VAN BRAMER, JOHN W

ART UNIT	PAPER NUMBER
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3622

NOTIFICATION DATE	DELIVERY MODE
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12/17/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/940,117

Applicant(s)

ROBIBERO, VINCENT P.

Examiner

John Van Bramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 23, 2007 has been entered.

Response to Amendment

2. The amendment dated October 23, 2007 cancelled no claims, and amended Claims 18, 28 and 35. New claims 36 and 37 were added. Thus, the currently pending claims are Claims 18 – 37.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 36 and 37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 36 and 37 depend from independent claims 35 and 18, respectively. Independent claims 18 and 35 do not require that a usage parameter and an environmental parameter be present. Independent claims 18 and 35

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do not even require that either of these parameters be present. The claims recite "at least one of a usage parameter, an environmental parameter, and mechanical deterioration". Therefore, the limitations that set forth the metes and bounds of the claims merely require that one of the three operating parameters be present. Without a requirement that both the usage parameter and the environmental parameter be present the dependent claims fail to further limit the parent claim. The examiner recommends, provided there is support in the specification, amending independent claims 18 and 35 to require both a usage parameter and an environmental parameter.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 18 – 20, and 22 – 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer et al. (U.S. Patent Number: 6,363,359) in view of Ives et al. ("After the Sale: Leveraging Maintenance with Information Technology", MIS Quarterly, Vol. 12, No 1, March 1988, pp 7-21).

Claim 18. Gronemeyer discloses an apparatus for using data obtained from remote monitoring of customer equipment for service purposes to generate product sales offers to customers comprising:

- a. An input means for receiving dynamic parametric data information related to electrical and mechanical operating parameters of customer equipment in the installation being remotely monitored for service purposes. (Col 2, lines 41 – 57)
(The input means disclosed is not the sentinel as asserted in the amendments arguments but rather the mechanism inherently disclosed by the fact that the server receives a response from its query to the sentinel.)
- b. An equipment database storage device connected to said input means for receiving and storing said parametric data information in a form suitable for determining when to take corrective service action at the installation. (Col 5, lines 47-67) (Gronemeyer references a log file in this section that is transmitted to the server. The examiner has interpreted this, as presented in context, as a file of records relating to software and hardware on the consumers computer. A database is simply a large collection of organized data. As such, the log file as described is considered a database. In order for the server to perform operations on this database to determine the related products needed by the customer, it must inherently be stored in memory on the server. At a very minimum it would need to be stored in a temporary memory. Additionally, the examiner interprets parametric data to be data relating to parameters, measurements and values upon which the operation of a device relies. Therefore, information regarding the

hardware and software on a computing system, which is included in the log file is parametric data.)

- c. A product database storage device for storing product information related to characteristics of a plurality of products related to the customer equipment, said product information for each said characteristic including a Limit corresponding to a possible value of said parametric data information of an associated one of said operating parameters. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48) (In Col1, lines 29-46 Gronemeyer discloses that a product database and a cross-reference database are obvious improvements that have previously been made in the art. As such, in Col 5, lines 47-67, when the server is describes as having goods and wares separated into different categories that interact with a log file to generates sales offers it inherently contains such databases)
- d. An offer generator means connected to said equipment database storage device and to said product database storage device for comparing a value of said stored parametric data information of a selected one of said operating parameters with at least one of said stored product information limits corresponding to said selected one operating parameter, said offer generator means generating a sales offer for a product associated with said limit directed to the customer associated with the customer equipment when said value and said limit have a predetermined relationship representing a maintenance requirement. (Col 3, lines 11 – 35; and Col 5, line 47 through Col 6, line 48) (The applicant asserts that Gronemeyer does not disclose the use of limits corresponding to possible values

of parametric data related to operating parameters for creating offers. However, Gronemeyer specifically discloses the user of parametric data relating to computer hard drives for determining offers that are displayed to a customer)

While Gronemeyer does not explicitly state that the remotely monitored equipment includes at least one of an elevator installation and an escalator installation, it is disclosed that the remotely monitored "computing device may be a computer or other intelligent device, such as routers and switches, in addition to consumer devices such as telephones, radios, appliances, etc" (Col 9, lines 1 – 20). The analogous teaching of Ives further discloses intelligent elevators which have "self-diagnostic control systems that automatically notify Otis Elevator when maintenance is required (Ives: Page 13, Col 1, lines 3-19) as well as examples of the types of operating parameters that are monitored such as usage parameters (Ives: Page 12, Fig 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the system disclosed by Gronemeyer in an elevator or escalator installation. One would have motivated to monitor such installations in order to provide elevator companies with the "the means to monitor and control the service side of their business" (Ives: Page 8, Col 2, lines 19-23)

Claim 19. Gronemeyer and Ives disclose the apparatus according to Claim 18 including a customer database storage device connected to said offer generator means for receiving said sales offer and a web server connected to said customer

database storage device for sending said sales offer to the customer. (Col 5, line 47 through Col 6, line 48)

Claim 20. Gronemeyer and Ives disclose the apparatus according to Claim 19 wherein said web server generates said sales of a on a web page for viewing by the customer. (Col 4, lines 34 – 42)

Claim 22. Gronemeyer and Ives disclose the apparatus according to Claim 18 including a customer database storage device connected to said offer generator means for receiving said sales offer, said customer database storage device verifying accuracy of said sales offer against customer information stored in said customer database storage device. (Col 7, lines 56 – 64)

Claim 23. Gronemeyer and Ives disclose the apparatus according to Claim 18 including a customer database storage device connected to said offer generator for receiving said sales offer, said customer database storage device using customer information stored therein for transmitting said sales offer to the customer. (Col 7, lines 56 – 64)

Claim 24. Gronemeyer and Ives disclose the apparatus according to Claim 18 wherein said input means includes an interface connected to the customer equipment for receiving said parametric data information, a data collector means

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connected to said equipment database storage device and data transfer means connected between said interface and said data collector means for transferring said parametric data information to said equipment database storage device. (Col 2, lines 41 – 57)

Claim 25. Gronemeyer and Ives disclose the apparatus according to Claim 18 wherein the product information includes information about devices and services related to the customer equipment. (Col 2, lines 41 – 57)

Claim 26: Gronemeyer and Ives disclose the apparatus according to claim 1 wherein data regarding the hard drive capacity and the maximum available storage are gathered in order to facilitate a decision by the system (Col 3, lines 11-37).

While Gronemeyer does not specifically state that a threshold is used, it would have been obvious to one having ordinary skill in the art at the time the invention was made to base this decision on a threshold. One would have been motivated to do so because the criteria supplied, hard drive capacity and available storage space, would readily lend themselves to calculating a percentage figure from which the threshold would be determined and a trigger point set. (i.e. Make offer if available storage space is less than 20% of the maximum capacity).

Claim 27: Gronemeyer and Ives disclose the apparatus according to claim 1 wherein data regarding the hard drive capacity and the maximum available storage

are gathered in order to facilitate a decision by the system (Col 3, lines 11-37).

While Gronemeyer does not specifically state that a range is used, it would have been obvious to one having ordinary skill in the art at the time the invention was made to base this decision on a range. One would have been motivated to do so because the criteria supplied, hard drive capacity and available storage space, would readily lend themselves to calculating a percentage figure from which a range would be established. Any percentage falling within this range would then trigger the generation of an offer. (i.e. Make offer if available storage space is between 5% and 20% of the maximum capacity).

Claim 28. Gronemeyer discloses a method of using data obtained from remote monitoring of customer equipment for service purposes to generate product sales offers, comprising the steps of:

- a. Receiving dynamic parametric data information related to an electrical or mechanical operating parameter of customer equipment in an elevator installation or an escalator installation being remotely monitored for service purposes. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)
- b. Storing the parametric data information in an equipment database storage device in a form suitable for determining when to take corrective service action. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)
- c. Storing in a product database storage device product information related to a characteristic of at least one product including a limit corresponding to a possible

value of the parametric data information. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

- d. Comparing a value of the stored parametric data information with the limit. (Col 1, lines 29-46; Col 3, lines 11 – 35 and Col 5, line 47 through Col 6, line 48)
- e. Generating a sales offer directed to a customer associated with the customer equipment when the value and the limit have a predetermined relationship representing a maintenance requirement. (Col 1, lines 29-46; Col 3, lines 11 – 35 and Col 5, line 47 through Col 6, line 48)

While Gronemeyer does not explicitly state that the remotely monitored equipment includes at least one of an elevator installation and an escalator installation and the specific operating parameters associated with such, it is disclosed that the remotely monitored “computing device may be a computer or other intelligent device, such as routers and switches, in addition to consumer devices such as telephones, radios, appliances, etc” (Col 9, lines 1 – 20). The analogous teaching of Ives further discloses intelligent elevators which have “self-diagnostic control systems that automatically notify Otis Elevator when maintenance is required (Ives: Page 13, Col 1, lines 3-19) as well as examples of the types of operating parameters that are monitored such as usage parameters (Ives: Page 12, Fig 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the system disclosed by Gronemeyer in an elevator or escalator installation. One would have motivated to monitor such

installations in order to provide elevator companies with the “the means to monitor and control the service side of their business” (Ives: Page 8, Col 2, lines 19-23)

Claim 29. Gronemeyer and Ives disclose the method according to Claim 28 including a step of storing in a customer database storage device customer information related to the customer and sending the sales offer to the customer based upon the stored customer information. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Claim 30. Gronemeyer and Ives disclose the method according to Claim 29 including sending the sales offer to the customer by at least one of regular mail, e-mail and a web page. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Claim 31. Gronemeyer and Ives disclose the method according to Claim 29 including using the customer information to verify, the accuracy of the sales offer. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48) (Since the sales offer sent to the customer is based upon the customer information, the accuracy of the offer in relationship to the customer information is inherently verified)

Claim 32. Gronemeyer and Ives disclose the method according to Claim 28 including a step of monitoring the customer equipment to generate the parametric data information. (Col 3, lines 11 – 37; Col 4, lines 25 – 33; and Col 7, lines 31 – 40; and

Col 8, lines 11 - 14) (Applicant asserts that Gronemeyer requires a user to interact with websites for the remote monitoring to occur. The cited references disclose the operation of remote monitoring to occur without user intervention.)

Claim 33. Gronemeyer and Ives disclose the method according to Claim 28 wherein said step c. is performed by storing in the product database storage device product information related to characteristics of a plurality of devices and services. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Claim 34. Gronemeyer and Ives disclose the method according to Claim 28 including performing said steps a through b. for a plurality of operating parameters of the customer equipment. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)

Claim 35. Gronemeyer discloses an apparatus for using data obtained from remote monitoring of customer equipment for service purposes to generate product sales offers to customers comprising:

- a. A data collector means for receiving parametric data information related to electrical and mechanical operating parameters of remotely monitored customer equipment being monitored for service purposes. (Col 2, lines 41 – 57)

- b. An equipment database storage device connected to said data collector means for receiving and storing said parametric data information in a form suitable for determining when to take a corrective service action. (Col 5, lines 47-67)
- c. A product database storage device for storing product information related to characteristics of a plurality of products related to the customer equipment, said product information for each said characteristic including a limit corresponding to a possible value of said parametric data information of an associated one of said operating parameters. (Col 1, lines 29-46 and Col 5, line 47 through Col 6, line 48)
- d. An offer generator means connected to said equipment database storage device and to said product database storage device for comparing a value of said stored parametric data information of a selected one of said operating parameters with at least one of said stored product information limits corresponding to said selected one operating parameter, said offer generator means generating a sales offer for a product associated with said limit directed to the customer associated with the customer equipment when said value and said limit have a predetermined relationship representing a maintenance requirement. (Col 3, lines 11 – 35; and Col 5, line 47 through Col 6, line 48)
- e. A customer database storage device connected to said offer generator means for receiving said sales offer. (Col 5, line 47 through Col 6, line 48)
- f. A web server connected to said customer database storage device for sending said sales offer to the customer. (Col 4, lines 34 – 42)

While Gronemeyer does not explicitly state that the remotely monitored equipment includes at least one of an elevator installation and an escalator installation, it is disclosed that the remotely monitored "computing device may be a computer or other intelligent device, such as routers and switches, in addition to consumer devices such as telephones, radios, appliances, etc" (Col 9, lines 1 – 20). The analogous teaching of Ives further discloses intelligent elevators which have "self-diagnostic control systems that automatically notify Otis Elevator when maintenance is required (Ives: Page 13, Col 1, lines 3-19) as well as examples of the types of operating parameters that are monitored such as usage parameters (Ives: Page 12, Fig 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the system disclosed by Gronemeyer in an elevator or escalator installation. One would have motivated to monitor such installations in order to provide elevator companies with the "the means to monitor and control the service side of their business" (Ives: Page 8, Col 2, lines 19-23)

Claims 36 and 37: Gronemeyer and Ives disclose the apparatus according to claims 35 and 18 respectively. While Gronemeyer and Ives do not specifically recite that said usage parameter is one of run time, trips per hour and cycle times and said environmental parameter is one of temperature changes, utility power, and weather, common sense dictates that it would be obvious to one of ordinary skill in the art at the time the invention was made to include usage parameters that are specific to the intelligent device which is being monitored. The rationale for including such

parameters is that each parameter one of a limited number of predictable factors that affect the maintenance requirements of an elevator or escalator installation.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gronemeyer et al. (U.S. Patent Number: 6,363,359) in view of Ives et al. ("After the Sale: Leveraging Maintenance with Information Technology", MIS Quarterly, Vol. 12, No 1, March 1988, pp 7-21) in further view of Palme et al (RFC 2557, MIME Encapsulation of Aggregate Documents, such as HTML).

Claim 21: Gronemeyer and Ives disclose the apparatus according to claim 2 wherein said web server generates said sales offer as a web page (Col 6, lines 35-48). However, Gronemeyer does not specifically state that the generated web page is transmitted to the consumer using an email transportation protocol. In the analogous teachings of Palme, a method of encapsulating web pages in email documents is disclosed (Page 1, lines 18-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to send the generated sales offers via email. One would have been motivated to do so in order to provide potential customers with a reminder of the offer, in the event that the customer was not ready to make a purchasing decision during the browsing session.

Response to Arguments

5. Applicant's arguments filed March 27, 2007 have been fully considered but they are not persuasive. The applicant's arguments directed towards the newly submitted amendments have been addressed in the Office Action above.

Conclusion


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Van Bramer whose telephone number is (571) 272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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